

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

KIMBALL AREA PUBLIC SCHOOL, ISD No.  
739,

Civil File No. 23-cv-2637 (NEB/LIB)

Plaintiff/Counter  
Defendant,

v.

**JOINT PROPOSED  
PRETRIAL SCHEDULE**

I.R.M., by and through his parent, L.M.,

Defendants/Counter Plaintiffs.

In accordance with the provisions of Rule 16, Federal Rules of Civil Procedure, and the Local Rules of this Court, to administer the course of this litigation in a manner which promotes the interests of justice, economy and judicial efficiency, the following Pretrial Schedule will govern these proceedings. **The Schedule may be modified only upon formal Motion and a showing of good cause as required by Local Rules 7.1 and 16.3.**

**Counsel shall also comply with the Electronic Case Filing Procedures for the District of Minnesota, pursuant to Order Adopting Electronic Case Filing, dated May 13, 2004.**

THEREFORE, It is –

ORDERED:

I.

That all pre-discovery disclosures required by Rule 26(a)(1) for the counter claims shall be completed on or before **February 9, 2024**. The period during which the parties must conduct all discovery (whether fact or expert) shall terminate on **September 27, 2024**. Disputes with

regard to pre-discovery disclosures or discovery shall be called immediately to the Court's attention by the making of an appropriate Motion, and shall not be relied upon by any party as a justification for not adhering to this Pretrial Scheduling Order. No further or additional discovery shall be permitted after the above date except upon motion and by leave of the Court for good cause shown, and any independent Stipulations or agreements between counsel which contravene the provisions of this Order will not be recognized. However, upon agreement of counsel, or with leave of the Court, depositions in lieu of in-Court testimony may be taken after the close of discovery.

## II.

That all Motions which seek to amend the pleadings or add parties must be filed and the Hearing thereon completed on or before **90 days from the date of the Pretrial Scheduling Order**.

## III.

That all other nondispositive Motions on the appeal shall be filed and the Hearing thereon completed prior to **February 15, 2024** and on the counter claims shall be filed and the Hearing thereon completed prior to **September 27, 2024** by calling Jennifer Beck at 218-529-3520, Courtroom Deputy for Magistrate Judge Leo I. Brisbois. All nondispositive Motions shall be scheduled, filed and served in compliance with Local Rule 7.1(a) and (b) of the Electronic Case Filing Procedures for The District of Minnesota. No discovery Motion shall be heard unless the moving party complies with the requirements of Local Rule 37.1. [Courtroom No. 3, Gerald W. Heaney Federal Building and U.S. Courthouse, 515 West First Street, Duluth, Minnesota] [Courtroom No. 2, Edward J. Devitt Federal Building and U.S. Courthouse, 118 South Mill Street, Fergus Falls, Minnesota] [in the Devitt Courtroom, Warren E. Burger Federal Building

and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota]. A separate Notice of this Settlement Conference shall be issued outlining the parties' obligations for preparation and for appearance of the Conference.

IV.

A Mandatory Settlement Conference pursuant to Local Rule 16.5(b) in the above-entitled matter will be set before Magistrate Judge Leo I. Brisbois, [**INSERT DATE, TIME and LOCATION WILL BE DETERMINED BY THE COURT**] in [**SELECT ONE LOCATION**] [Courtroom No. 3, Gerald W. Heaney Federal Building and U.S. Courthouse, 515 West First Street, Duluth, Minnesota] [Courtroom No. 2, Edward J. Devitt Federal Building and U.S. Courthouse, 118 South Mill Street, Fergus Falls, Minnesota] [in the Devitt Courtroom, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota]. A separate Notice of this Settlement Conference shall be issued outlining the parties' obligations for preparation and for appearance of the Conference.

V.

That no more than **25** Interrogatories (counted in accordance with Rule 33(a), Federal Rules of Civil Procedure), shall be served by any party in the counter claims. [If the parties have stipulated to limitations on either the scope or number of discovery requests pursuant to Rule 34 and Rule 36, the terms of such stipulation should be inserted here as well.]

VI.

That no more than **7** depositions (excluding expert depositions) shall be taken by any party without prior Order of the Court.

VII.

That within the foregoing period allotted for discovery, but no later than the dates set forth below, the parties shall retain and disclose to opposing counsel all persons they intend to call as expert witnesses at trial. Each party's disclosure shall identify each expert and state the subject matter on which the expert is expected to testify. The disclosure shall be accompanied by a written report prepared and signed by the expert witness. As required by Rule 26(a)(2)(B), Federal Rules of Civil Procedure, the report shall contain:

- a. The qualifications of the witness, including a list of all publications authored by the witness within the preceding 10 years;
- b. The compensation to be paid for the study and testimony;
- c. A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years;
- d. A complete statement of all opinions to be expressed and the basis and reasons therefor;
- e. The data or other information considered by the witness in forming the opinions; and
- f. Any exhibits to be used as a summary of or support for the opinions.

The Plaintiffs' disclosures shall be made on or before **May 30, 2024**. The Defendant's disclosures shall be made on or before **July 26, 2024**.

#### VIII.

The parties **do** contemplate taking expert depositions. No more than **3** experts may be deposed by any party without prior Order of the Court.

#### IX.

That each party shall fully supplement all discovery responses according to Rule 26(e), Federal Rules of Civil Procedure. Any evidence responsive to a discovery request which has not

been disclosed on or before the discovery cutoff or other dates established herein, except for good cause shown, shall be excluded from evidence at trial.

X.

All dispositive motions must be filed by the moving party in the appeal on or before **March 29, 2024** and in the counter claims on or before **October 25, 2024**— this date should be 30 days after the date for non-dispositive motions]. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for The District of Minnesota and in compliance with Local Rule 7.1. Counsel shall schedule the hearing by calling Kristine Wegner, Judge Brasel’s Courtroom Deputy, at 651-848-1530. **Courtesy copies are not requested or accepted by Judge Brasel.**

XI.

That this case shall be ready for Trial on **February 24, 2025** - this date should be four (4) months after the date for dispositive motions, or 30 days after the Court renders its Order on any dispositive motion (whichever is later), at which time the case will be placed on the Court’s **JURY** trial calendar. That the anticipated length of Trial is **3-4 days**.

BY THE COURT:

DATED:

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Hon. Leo I. Brisbois  
U.S. MAGISTRATE JUDGE